

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: **English**

No.: **ICC-01/21-01/25**

Original: **18 July 2025**

Date: **29 September 2025**

PRE-TRIAL CHAMBER I

Before: Judge Iulia Antoanella Motoc, Presiding Judge
Judge Reine Adélaïde Sophie Alapini-Gansou
Judge María del Socorro Flores Liera

SITUATION IN THE REPUBLIC OF THE PHILIPPINES

IN THE CASE OF THE PROSECUTOR v. RODRIGO ROA DUTERTE

PUBLIC

With Confidential Annexes A, B and C

Public Redacted Version of “Defence Submission of Medical Reports”

Source: Defence for Mr Rodrigo Roa Duterte

Document to be notified in accordance with regulation 31 of the Regulations of the Court to:

☒ The Office of the Prosecutor

☒ Counsel for the Defence

Duterte Defence Team

☐ Legal Representatives of the Victims

☐ Legal Representatives of the Applicants

☐ Unrepresented Victims

☐ Unrepresented Applicants
(Participation/Reparation)

☒ The Office of Public Counsel for Victims

☐ The Office of Public Counsel for the Defence

☐ States' Representatives

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Reparations Section

☐ Other

1. The Defence makes this present submission subsequent to its email communication to the Pre-Trial Chamber on 18 July 2025 on the same issue,¹ to provide to the Chamber, and enter into the case record, new medical records that have recently come into its possession. This submission is prompted by urgency, given the relevance of these records to the issue of legal competency sought to be litigated and the outstanding Defence request to hold a status conference prior to the impending judicial summer recess.² These documents were also at issue in the Defence's urgent request to suspend adjudication on interim release until Mr Duterte's medical records – including, *inter alia*, a neuropsychological evaluation by its proposed expert – were in front of the Chamber.
2. While [REDACTED] – the Defence's intended expert neuropsychologist – has still not yet been permitted entry to the Detention Centre,³ the Defence has received, as outlined in its filing on 17 July 2025,⁴ the report of the [REDACTED] appointed by the ICC Detention Centre's Medical Officer. Mr Duterte has agreed to the release of these records to the Pre-Trial Chamber, the Prosecution, and the OPCV. The evaluation – performed by a medical professional whose qualifications are unknown to the Defence – confirm, as long suspected,

¹ Email, Defence to Pre-Trial Chamber I, "[ICC-01/21-01/25 – Confidential] Order regarding the Defence's email 'Request to Suspend Adjudication of the Request for Interim Release'", 18 July 2025, 8:48 am. Pursuant to [Regulation 23bis](#), this submission is filed with a confidential classification because it refers to subject matter and filings that have been deemed confidential.

² Urgent Defence Request for a Status Conference under rule 121(2)(b), [ICC-01/21-01/25-192-Conf](#), 14 July 2025.

³ Email, Defence to Detention Centre, "Re: FOR DETERMINATION. Duterte Medical Records", 17 July 2025, 15:04 ("I now formally request, **once again**, formal approval for [REDACTED] to visit and to examine Mr. Duterte as soon as possible. **I would ask for the MO/Registry's decision on this forthwith** because, as you are all fully aware, the failure to complete the necessary diagnostics for assessing Mr. Duterte's cognitive faculties is impeding the progress of court proceedings and prejudicing the Defence") (emphasis in original). *See also* Email, Defence to Detention Centre, "Re: FOR DETERMINATION. Duterte Medical Records", 17 July 2025, 16:29 ("the purpose of the evaluation is to enable the Defence to further its argument on legal competency, [but] [...] is also necessary for the Mr. Duterte's welfare and treatment").

⁴ Defence Notification, [ICC-01/21-01/25-197-Conf](#), 17 July 2025.

cognitive impairment.⁵ Indeed, even in an absence of clarity or consensus on aetiology or severity, both medical professionals agree on the existence of the impairment itself, with the 23 June 2025 neuropsychology report corroborating and supporting the findings of [REDACTED]'s report of 29 May 2025.⁶

3. The cognitive faculties affected, including Mr Duterte's [REDACTED],⁷ are precisely those required to work on his legal case and with his Defence team. Mr Duterte is, at present, [REDACTED]. The Prosecution has suggested that the Defence's submissions on this matter are "serious unsubstantiated allegations regarding the condition of the client".⁸ The annexed medical reports,⁹ as well as that of [REDACTED], quite evidently prove otherwise. Far from "unsubstantiated", [REDACTED]'s medical findings are, on the contrary, objective and corroborated by the neuropsychologist appointed by the ICCDC itself.

⁵ See Annex A.

⁶ Submitted as [Annex B](#) to the Defence's Request for Partial Modification of Restrictions Regime, [ICC-01/21-01/25-149-Conf-Exp](#), filed on 10 June 2025 ("[REDACTED] Report").

⁷ See [\[REDACTED\] Report](#), p. 7 ("[t]he patient demonstrated [REDACTED]"); 9, 11 ("[t]he patient presents with signs of cognitive impairment [REDACTED]") (emphasis in original). See also **Annex A**, p. 5 ("Part B aborted after the example; [REDACTED]"); 6 ("[REDACTED] [...] there are indications of [REDACTED] [...] Further diagnostics and treatment [...] are recommended"). See also **Annex C**, p. 1 ("[REDACTED] [...] [REDACTED]. [REDACTED] [...] there are indications of [REDACTED]").

⁸ Email, Prosecution to Defence, "[ICC-01/21-01/25: Duterte: Request to Suspend Adjudication of the Request for Interim Release]", 11 July 2025, 10:57 am.

⁹ Annex B is comprised of [REDACTED]. [REDACTED] is provided as Annex C.

4. Mr Duterte's cognitive impairment is sufficient to warrant litigation of the matter prior to the holding of the confirmation hearing. In light of the aforementioned, and given their relevance, the Defence hereby submits the present medical information into the case record.



Nicholas Kaufman
Counsel for Rodrigo Roa Duterte

Dated this 29th day of September 2025

The Hague, The Netherlands